Regulatory Impact Analyses

NHTSA has analyzed this proposal and determined that neither Executive Order 12866 nor the Department of Transportation's regulatory policies and procedures apply. Under Executive Order 12866, the proposal would not establish a ''rule,'' which is defined in the Executive Order as ''an agency statement of general applicability and future effect.'' The proposed exemption is not generally applicable, since it would apply only to MedNet, Inc., as discussed in this notice. Under DOT regulatory policies and procedures, the proposed exemption would not be a ''significant regulation.'' If the Executive Order and the Departmental policies and procedures were applicable, the agency would have determined that this proposed action is neither major nor significant. The principal impact of this proposal is that the exempted company would not be required to pay civil penalties if its maximum feasible average fuel economy were achieved, and purchasers of those vehicles would not have to bear the burden of those civil penalties in the form of higher prices. Since this proposal sets an alternative standard at the level determined to be MedNet's maximum feasible level for MYs 1996 through 1998, no fuel would be saved by establishing a higher alternative standard. NHTSA finds that because of the minuscule size of the MedNet fleet, that incremental usage of gasoline by MedNet customers would not affect the nation's need to conserve gasoline. There would not be any impacts for the public at large.

The agency has also considered the environmental implications of this proposed exemption in accordance with the National Environmental Policy Act and determined that this proposed exemption if adopted, would not significantly affect the human environment. Regardless of the fuel economy of the exempted vehicles, they must pass the emissions standards which measure the amount of emissions per mile traveled. Thus, the quality of the air is not affected by the proposed exemptions and alternative standards. Further, since the exempted passenger automobiles cannot achieve better fuel economy than is proposed herein, granting these proposed exemptions would not affect the amount of fuel used.

Interested persons are invited to submit comments on the proposed decision. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential business information has been deleted, should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed under the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 531

Energy conservation, Gasoline, Imports, Motor vehicles.

In consideration of the foregoing, 49 CFR part 531 would be amended to read as follows:

PART 531—[AMENDED]

1. The authority citation for part 531 would be revised to read as follows:

Authority: 49 U.S.C. 32902, delegation of authority at 49 CFR 1.50.

2. In § 531.5, the introductory text of paragraph (b) is republished for the convenience of the reader and paragraph (b)(12) would be added to read as follows:

§ 531.5 Fuel economy standards.

* * * * *

(b) The following manufacturers shall comply with the standards indicated below for the specified model years:

* * * * *

(12) MedNet, Inc.

Model year	Average fuel economy standard (miles per gallon)
1996	17.0
1997	17.0
1998	17.0

Issued on: June 14, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95–14904 Filed 6–16–95; 8:45 am]

BILLING CODE 4910–59–P

49 CFR Parts 564 and 571

[Docket No. 95–47; Notice 1]

RIN 2127–AF65

Replaceable Light Source Information; Federal Motor Vehicle Safety Standards Lamps, Reflective Devices, and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Federal motor vehicle safety standard on lighting to allow high intensity discharge (HID) light sources to be used in replaceable bulb headlamp systems, in addition to their presently-allowed use in integral beam headlamp systems. Adoption of this amendment would require corresponding amendments to part 564, the regulation under which Docket No. 93–11 was established as a depository for replaceable light source information. However, if the life of the light source approaches that of the vehicle, as is the case with HIDs, interchangeability will no longer be so important. Therefore, NHTSA proposes adding regulations which would allow a manufacturer to submit fewer items of dimensional information if it can demonstrate that the average rated laboratory life of its light source is not less than 2,000 hours.

DATES: Comments are due on the proposal by August 18, 1995.

FOR FURTHER INFORMATION CONTACT: Kenneth O. Hardie, Office of Rulemaking (202–366–6987).

SUPPLEMENTARY INFORMATION: On April 8, 1994, NHTSA published a notice in

the **Federal Register** calling attention to four new technologies that are being or will be used in signal lamps and headlamps subject to Standard No. 108 (59 FR 16788). These new signal lamp technologies are light-emitting diodes (LEDs), miniature halogen bulbs, long arc discharge bulb systems (e.g., neon and other gas filled tubular lamps), and short arc discharge bulb systems. The notice noted that it is likely that the latter will be used in headlamps, too.

Twenty-five comments were received in response to the notice. Among those who commented were Ford Motor Company, General Motors Corporation (GM), American Automobile Manufacturers Association (AAMA), Koito Manufacturing Co. Ltd., Hewlett-Packard, Hella KG Hueck & Co. (Hella), Volkswagen of America (VWoA), General Electric Company (GE), OSRAM Sylvania, Inc. (OSRAM), Stanley Electric Co. Ltd. (Stanley), and State Farm Insurance.

On the basis of the comments received, NHTSA has decided to initiate rulemaking that would amend Standard No. 108 so as to allow replaceable bulb headlamps to incorporate short arc discharge light sources. It is terminating action on the other lighting technologies for the reasons explained below.

I. Long and Short Arc Discharge Systems

With the thought of developing appropriate amendments to Standard No. 108 to facilitate the introduction of long and short arc discharge technology, NHTSA sought comments on the following:

A. Identification of the performance requirements and/or test procedures specified, or incorporated by reference, in Standard No. 108 that should be modified to accommodate the installation of arc discharge light sources in lamps required by the standard.

B. Specification of the performance requirements and/or test procedures that should be added to Standard No. 108 to accommodate the installation of arc discharge light sources while maintaining the present level of safety achieved by incandescent filament light sources.

C. Identification of any special considerations that should be made to accommodate the concept of a single light source whose light is distributed to the vehicle's lamps by lamp pipes, and an opinion as to whether it is premature to consider regulation of this concept.

D. An opinion of when Standard No. 108 should be amended to accommodate the use of arc light sources in production motor vehicles. These sources are permitted because Standard No. 108 does not specify requirements for signal light sources.

NHTSA received no specific recommendations on how to amend Standard No. 108 to facilitate the use of long arc lighting technology. Some commenters noted that the Society of Automotive Engineers (SAE) is drafting a recommended practice for long arc sources, but estimated that its completion date is well in the future. OSRAM Sylvania commented that it has developed a long arc (neon) Center High Mounted Stop Lamp (CHMSL) that is almost ready for production, and it recommended that NHTSA amend Standard No. 108 to state clearly that long arc sources may be tested *as a system* for compliance with Standard No.108 (which would allow testing with the ballast).

As currently being developed, long arc technology such as neon may be used to provide tail, stop, and turn signal lighting. Long and short arc discharge lamps are similar in some respects. Both require ballasts to transform the 12.8 volt vehicle electrical supply into an output format necessary to operate the discharge tube or bulb. Both operate at voltages substantially higher than the nominal 12.8 volts of a standard automobile battery. The ballast elevates the voltage output of the battery to the level required by the lamp.

NHTSA wishes to assure OSRAM that Standard No. 108 already permits testing of long arc light sources with their ballast. The agency interprets Paragraph S5.1.1.16 as permitting this. This paragraph states:

> S5.1.1.16 A lamp designed to use a type of bulb that has not been assigned a mean spherical candlepower rating by its manufacturer and is not listed in SAE Standard J573d, *Lamp Bulbs and Sealed Units,* December 1968, shall meet the applicable requirements of this standard when used with any bulb of the type specified by the lamp manufacturer, operated at the bulb's design voltage. A lamp that contains a sealed-in bulb shall meet these requirements with the bulb operated at the bulb's design voltage.

While this does not specifically mention long arc light sources with ballasts, the second sentence does address the use of lamps with bulbs that are ''sealed-in'' and those in which they are not. If a long arc lamp is manufactured with the light source and the ballast as a sealed unit (sealed within the lamp), then it would be tested for compliance by application of the design voltage at the lamp leads.

The first sentence of S5.1.1.16 addresses the situation where the ballast is separate from the lamp (not sealed within it) and externally connected to it. A long arc light source is considered a ''bulb'' and would be tested at its manufacturer's specified design voltage.

The allowance of long arc technology for signal lamps may raise issues relating to intensity, headlamp/daytime running lamp spacing, and aspect ratio because this technology may result in unique and creative lamp shapes and design variations that influence the efficacy of signal lamps. For example, Standard No. 108 does not specify an aspect ratio for stop lamps. As an example, although a CHMSL must have an effective projected luminous lens area of not less than 4½ square inches, the requirement can be met by both a rectangular lens of 2 inches by 2½ inches and one of 10 inches by .45 inch because Standard No. 108 contains no limitations on signal lamp length or height.

Because the efficacy of long arc technology for signal lamps is still being researched, NHTSA will propose no changes at this time, and will seek further information on the issues of lamp spacing, effective luminous lens area, aspect ratio between lamps, appropriate photometric requirements, and interchangeability. It may also be necessary to obtain information from manufacturers regarding the operating voltage of an arc lamp source as used on a motor vehicle. This would be for the purpose of providing a source voltage equivalent to the design voltage that is required for compliance testing purposes if NHTSA decided to perform testing without the system's original ballast.

Short arc discharge headlamp systems are commonly referred to as ''high intensity discharge'' (HID) systems. Presently, the only HID application in production for lamps covered by Standard No. 108 is in headlamps, and the only way HID headlamps can be used under the standard is in an ''integral beam headlighting system'' (Section S7.4). Thus, today, HID headlamps are comprised of a headlamp body (including reflector and lens), a small transparent envelope containing a specific mixture of gases under high pressure (the discharge bulb), and an electronic ballast to convert low voltage direct current to a controlled output high voltage direct or alternating current to drive the discharge bulb.

However, by definition (S4), an integral beam headlamp (including those with HID light sources) is one with an ''integral and indivisible optical assembly'', and a headlamp that is ''not a replaceable bulb headlamp * * *.'' In the event of damage to one component, such as the lens, the entire unit, ballast

and all, must be replaced. The cost to replace an integral beam HID headlamp is going to be substantially higher than the cost of replacing a more conventional headlamp. Ford, Stanley, AAMA, GM, and State Farm suggested that NHTSA could facilitate the introduction and acceptance of HID headlamp technology by redefining them as ''replaceable bulb headlamps'' so that components could be individually replaced.

NHTSA concurs with these comments. There is no safety reason why HIDs can't be used as replaceable bulb headlamps. Manufacturers chose an integral-type design for the initial HID headlamps as a result of NHTSA-initiated amendments to accommodate them and facilitate their introduction. At that time, around 1992, the most expeditious manner was through the modification of the definition for integral beam headlamps, and the addition of combination headlighting systems. NHTSA did not know how to define HID sources as ''replaceable light sources.''

GE espoused a contrary position. It finds the relationship between the ballast device for an HID headlamp and the arc source itself to be complex and intricate. As more requirements (e.g., instant start, long life, color control) are placed on the system, the complexity of the ballast, electronics, and light projection system increase by an order of magnitude. Given the present state of arc source technology, GE commented that the industry must further define performance and other enhancements for a ''short arc'' headlamp and ballast before rulemaking for a non-integral system is initiated. Without a firm industry agreement on basic system requirements, GE concludes that specification of the individual parts and their respective allowable contribution to system requirements is impossible.

However, contrary to GE's argument, Ford presented a regulatory scheme with specific suggested amendments to both Standard No. 108 and the replaceable bulb information regulation, part 564, the effect of which would be to allow use of HIDs as replaceable headlamp light sources in a manner which accommodates GE's concern. NHTSA has reviewed this in great detail, and tentatively concludes that it, for the most part, sets forth a realistic way in which to treat HIDs as replaceable light headlamp light sources. Therefore, the following discussion is based upon Ford's specific suggestions, the European regulatory practice for HID headlamp sight sources, and NHTSA's responses.

Proposed Amendments to Standard No. 108

S4 *Definitions.* A ''replaceable light source'' is defined as ''an assembly consisting of a capsule, base, and terminals that is designed to conform to the requirements of paragraph S7.7'' of Standard No. 108. Ford would amend the definition to include the phrase ''separable ballast, if required.'' Because HID headlamps, unlike conventional replaceable bulb units, are operable through ballasts, Ford believes that such an amendment would clearly indicate that HIDs come under the definition of ''replaceable light source.'' However, where the ballast is separable and physically located away from the headlamp housing, it would not be part of an ''assembly'' of ''capsule, base, and terminals,'' as the term ''assembly'' is understood. NHTSA has tentatively concluded that there is a better approach, comprised of two parts. The first is to retain the existing definition and propose amendments of paragraph S7.7 pertinent to HID light sources, thus tying it in with the definition of ''replaceable light source'', as quoted above. The second is to propose an amendment of part 564 which would allow the submittal of ballast information to Docket No. 93–11. Section IX of Part 564 appears an appropriate place for the listing of other dimensions or performance specifications necessary for light sources and ballast interchangeability purposes that are not listed in other places within appendix A. For this reason also, an HID assembly would be a ''replaceable light source.''

S5.5.8 This paragraph specifies, in part, that in an integral beam headlighting system meeting integral beam headlighting photometrics, the lower beam headlamps shall be wired to remain permanently activated when the upper beam headlamps are activated. Ford would add lower beam headlamps ''incorporating non-filament light sources'' and meeting replaceable bulb headlighting photometrics.

NHTSA believes that this approach would unnecessarily discriminate between filament and non-filament light sources, and that adopting the definition of ''filament'' shown below would supersede the need to specify ''non-filament light sources''. This means that an amendment of S5.5.8 would not be needed as Figure 15 already specifically allows the lower beam headlamps of four-lamp replaceable light source headlamp systems to remain activated when the upper beams are operated. Although Figure 17 is silent on the point, this silence has the effect of not specifying how the lower or upper beam is generated by the headlamp. Thus, the lower beams of two-lamp replaceable light source headlamp systems can remain activated when the upper beams are selected.

The definition that appears appropriate to NHTSA is:

''*Filament*'' means that part of the light source or light emitting element(s), such as a resistive element, the excited portion of a specific mixture of gases under pressure, or any part of other energy conversion sources, that generates radiant energy which can be seen.

S7.5(e)(3)(ii). This relates to headlamp systems comprised of four replaceable bulb headlamps. Ford's recommended revision to this paragraph would limit how replaceable light source headlamps may produce the upper beam, as it would require the HID lower beam to remain on when the upper beam is selected. While this is what proposed changes to European law may require and indeed may be what most manufacturers would choose to do, Standard No. 108 presently permits the lower beam to remain on when the upper beam is used, but does not require it. The reason that a manufacturer might choose to leave the lower beam HID source on is that it is technically complex and expensive to design HIDs that, if extinguished, will quickly re-arc after being extinguished during beam switching. If the HID had difficulty reestablishing an arc after switching from the upper beam, the headlamp would not produce light, a high risk situation, even if possibly a transient one. Given the liabilities inherent in such an instance, NHTSA anticipates that manufacturers will provide systems in which an HID lower beam remains activated during upper beam use.

Because S7.5(e)(3)(ii) allows the manufacturer of a vehicle with replaceable bulb headlamp systems a choice of whether or not to extinguish the lower beam while the upper beam is activated, it provides maximum flexibility for designers of replaceable bulb headlamp systems, whether or not they incorporate lower beam HIDs. NHTSA believes that as long as an HID headlamp complies with applicable photometric requirements, it should be allowed to use present headlamp configurations without restriction.

New paragraph S7.5(e)(3)(iii). Ford would add a new paragraph S7.5(e)(3)(iii) relating to four lamp replaceable bulb headlamp systems to read:

The upper beam of a headlamp system whose lower beam headlamps are equipped

with non-filament type replaceable light sources shall be produced by all four headlamps, designed to conform to the upper beam requirements of Figure 15A.

This paragraph would limit how HID light source headlamps could be used in a system with non-HID replaceable light source types in the same way as Ford's suggested revisions to S7.5(e)(3)(ii). For this reason, NHTSA disagrees with this suggestion.

In addition, Ford's suggested paragraph would permit the use of a headlamp whose performance is not specified by Standard No. 108. This could occur because Ford would require that the ''upper beam'' be produced by all four headlamps and that the ''beam'' (not the headlamp) be designed to conform to the requirements of Figure 15A. Requiring the ''beam'' from all four headlamps to meet the photometric requirements of Figure 15A is quite different from the current requirement that the upper beam headlamp system independently meet Figure 15A. Because Ford's suggestion does not specify the apportionment of photometry between the headlamps necessary to produce the ''beam'', it would appear to restrict the replacement market to original equipment manufacturers, as well as potentially allowing replacement headlamps with inadequate illumination or disabling glare. Hence, NHTSA is not proposing Ford's suggested paragraph.

Paragraph S7.7(g). This paragraph requires replaceable light sources to be designed to conform to the information on file in part 564. Ford would modify the phrase ''replaceable light source'' by adding after it ''in conjunction with its ballast, if any is specified in part 564 for its operation.'' NHTSA does not believe that an amendment is required. The ballast information will be part of the information on file in part 564 and no specific reference to it is needed.

Paragraph S7.7(h). This paragraph requires marking of replaceable light sources in specified ways. Ford would add eight specific requirements for ballast marking: name or logo of the ballast manufacturer, the ballast part number or other unique identifier, the part number or other unique identification of the non-filament type light source for which the ballast is designed, identification of the designated Part 564 discharge sources that the ballast is designed to power, and the rated laboratory life of the ballast/discharge bulb combination for each bulb so identified, shock hazard warning (see discussion below), watts and voltage information, the date of manufacture, and the DOT symbol.

NHTSA agrees with this suggestion, but is proposing a new section S7.7(l) for ballast alone. With one exception, it is consistent with the existing requirement for replaceable light sources. That exception is the identification and documentation of rated laboratory life. With respect to other replaceable light sources, NHTSA has previously decided that requiring this information is an unjustifiable and unnecessary burden. However, the advent of HID technology has caused NHTSA to rethink this issue as it relates to Ford's suggestion for reasons to be explained below in the discussion of proposed amendments to part 564.

Paragraph S7.7(i). This paragraph relates to seasoning of the filament of a replaceable light source before measurement of maximum power and luminous flux. Consistent with its earlier recommendations, Ford would add ''filament type'' before ''replaceable light source.'' Since the seasoning procedures are different for filament type and arc type light sources, NHTSA agrees that there is a distinction. However, because of the definition of filament that has been proposed, NHTSA is proposing to revise S7.7(i) to apply to the seasoning of ''a replaceable light source'' rather than to ''the filament.'' This would be followed by two new subparagraphs, S7.7(i)(1), which would apply to light sources with resistive element type filaments, and S7.7(i)(2), which would apply to light sources using excited gas mixtures as filaments. This also accords with recommendations made by Ford. As for seasoning of light sources using ''other energy conversion sources'', NHTSA solicits comments on what these sources might be and the procedure that would be appropriate for their seasoning. Comments should also address an alternative to S7.7.(i) for ''other energy conversion sources'' of including seasoning information as an item of information in appendix B.

The reader should note that, under NHTSA's published proposal to transfer HB type light sources to part 564 (60 FR 14247, March 16, 1995), paragraph S7.7(i) would become paragraph S7.7(b), with no substantive change in it. For the same reason, proposed new paragraph S7.7(l) would be adopted as paragraph S7.7(d).

S8 Tests and Procedures for Integral Beam and Replaceable Bulb Headlighting Systems. Ford would add ''Ballasts required to operate non-filament type light sources shall be included in the tests specified'' in S8. NHTSA concurs but, in its proposal, has substituted ''specific gas mixture'' for ''non-filament type.''

Other Issues Associated with Short Arc Discharge Lighting Systems. Two other issues associated with HID headlamp light source use are electrical shock resulting from contact with the high voltages used to energize the light source, and potential health hazards resulting from ultraviolet (UV) radiation.

Severe electrical shock is a potential hazard because of the high voltage generated by the HID system ballast. A voltage that is higher than that which is normally produced by the motor vehicle's standard battery is necessary to operate an HID system. NHTSA believes that manufacturers will design appropriate levels of safety into their HID systems because of competitive market pressures and product liability concerns. For this reason, the only regulatory requirement that NHTSA is proposing that addresses this issue is the marking of the ballast with an appropriate warning.

Because HID light sources produce UV energy, there is the potential for damage to ocular tissues and skin from radiation in the spectral region between 200 and 400 nm. Exposure could arise from a defect in the system or as a result of a crash and damage to it. Exposure could also occur in the course of headlamp repair. At the present time, it appears likely that the plastic lenses on HID headlamps will filter UV energy, that they will be given a protective coating that will minimize UV emission during normal operation, or that UV filters integral to the HID light source envelope will be used. Thus, there appears no need to regulate. However, NHTSA intends to monitor the issue and will propose rulemaking if it appears required for health and safety.

Proposed Amendments to Part 564

General. Ford would replace all references to ''filament'' with ''filament or discharge arc.'' However, this is unnecessary. If NHTSA adopts the definition of ''filament'' that has been proposed to be added to Standard No. 108, it will apply to part 564 under § 564.4 which incorporates definitions used in other regulations.

Section IX of appendix A. Ford would add the word ''Identification'' to the text. NHTSA concurs. If a ballast is required for operation, Section IX would also require a manufacturer to provide a complete listing of the requirements and parameters between the light source and ballast, and ballast and the vehicle.

Proposed appendix B. The purpose of Appendix A of part 564 is to ensure that aftermarket replaceable light sources are interchangeable with their original equipment counterparts so that they

may be easily replaced. But the importance of interchangeability diminishes but is not eliminated if the life of the light source is such that it approaches the life of the lens reflector unit in which it is installed. Manufacturers expect this to be for the life of the vehicle. This is a chief feature of HID light sources. Thus, NHTSA might be wiling to accept rated average laboratory life information demonstrating long life as a tradeoff for detailed interchangeability information such as dimensions relating to the interface of the light source to the ballast.[1]

To explain, barring damage, a lens reflector unit ought to last the life of a motor vehicle because of its certification of conformance to the environmental test requirements set out in Standard No. 108. The task, then, is to design a light source with an equivalent life expectancy. Although industry views 10 years as the average life of a vehicle, it is not uncommon to see in daily service those that are from 10 to 15 years old. NHTSA believes that non-HID light sources used in today's headlamps have a rated average laboratory life of 300 to 500 hours. Thus, one with a minimum rated life of 2,000 hours represents a four-fold to six-fold plus increase in the life of a headlamp light source. Use of such a light source would significantly reduce the need to replace headlamp light sources over the life of a vehicle.

This trade off could be accomplished by adding appendix B to part 564, to serve as a repository for information on long-life light sources. To NHTSA, a long-life light source is one with a rated average laboratory life of not less than 2,000 hours. This figure represents the design target that industry uses today in developing long-life light sources, and has been provided to NHTSA in industry comments on related rulemakings. The manufacturer of such a light source would provide the lesser amount of information that would be required by appendix B, but, at its option, could make its submission under appendix A. The reader is reminded that, in either event, a replaceable light source which is the subject of information submitted to Docket No. 93–11 is required to comply with Standard No. 108.

To conform part 564 to this view, NHTSA would amend § 564.2 *Purpose* to clarify that the existing purpose applies to appendix A, and that a new one would apply to appendix B. Language relating to rated average laboratory life would be added where appropriate to implement the purpose of appendix B.

The reader should note that the proposed conforming amendments to § 564.5 (a) and (c) reflect the agency's recent proposal to amend paragraph S7.7 of Standard No. 108 and § 564.5 (a) and (c) to transfer HB type replaceable light sources to Docket No. 93–11 (60 FR 14247).

II. LEDs and Miniature Halogen Bulbs

The reader is referred to the NPRM for a full discussion of the issues raised by NHTSA. Because the agency has decided to terminate rulemaking on light-emitting diodes (LEDs) and miniature halogen bulbs for the reasons discussed below, it is also deferring any extended published analysis of the comments received on these issues until such time as it may decide to reinitiate rulemaking on this topic.

NHTSA asked for recommendations as to how it might specify a means of determining the number of ''equivalent'' compartments for lamps equipped with LEDs. AAMA, Ford, and GM thought it premature for the agency to specify unique requirements for lamps equipped with distributive light sources until studies can be completed to assess concerns regarding possible perceptions with respect to brightness. These studies, in AAMA's estimate, would take six months to a year. During that time, its member companies could gather data on intensity, brightness and dimensional features (e.g., aspect ratio) of signal and marking lamps of recent model vehicles. Similar comments came from Ford and GM. Other commenters did not reach a consensus on whether SAE J1889 would be an appropriate specification for LEDs.

Based upon these comments, NHTSA has concluded that there is a great amount of uncertainty within the lighting community about the best method of regulating the photometric requirements of non-traditional light sources for signal and marking lamps. In view of these uncertainties and a lack of consensus among the commenters on methods of equivalent compartmentalization, NHTSA has decided not to pursue further rulemaking at this time. For this reason, it is appropriate also not to pursue the issue of test methods for LEDs and miniature type light sources. However, the docket will remain open to accept comments about these issues, and NHTSA may reinitiate rulemaking at a time when a more definite outcome appears feasible.

Request for Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Effective Date

Since the final rule would not impose any additional burden and is intended to afford an alternative to existing requirements, it is hereby tentatively found that an effective date earlier than 180 days after issuance of the final rule is in the public interest. The final rule

[1] A manufacturer ''rates'' the design ''life'' of a light source by ''laboratory'' tests of a large number of units that are activated under identical and ideal test conditions of temperature, humidity, lack of vibration, etc. When the test sources have been run to burn out, the manufacturer takes the total time data and determines the ''average'' in hours.

would be effective 30 days after its publication in the **Federal Register**.

Rulemaking Analyses

Executive Order 12866 and DOT Regulatory Policies and Procedures

This rulemaking action has not been reviewed under Executive Order 12866. It has been determined that the rulemaking action is not significant under Department of Transportation regulatory policies and procedures. The effect of the rulemaking action would be to allow an alternative headlighting system. It would not impose any additional burden upon any person. A final rule based on such an action would reduce costs both to manufacturers and consumers. Because ballasts would no longer have to be integral with the light source, manufacturers could use a simpler, less expensive connector. Consumers could replace separate elements of an HID-replaceable light source headlamp system as compared with the present regulation which requires replacement of the whole unit. Impacts of the rule are, therefore, so minimal as not to warrant preparation of a full regulatory evaluation.

Regulatory Flexibility Act

The agency has also considered the effects of this rulemaking action in relation to the Regulatory Flexibility Act. I certify that this rulemaking action would not have a significant economic effect upon a substantial number of small entities. Motor vehicle and lighting equipment manufacturers are generally not small businesses within the meaning of the Regulatory Flexibility Act. Further, small organizations and governmental jurisdictions would not be significantly affected as the price of new motor vehicles should not be impacted. Accordingly, no Regulatory Flexibility Analysis has been prepared.

Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 on ''Federalism.'' It has been determined that the rulemaking action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

National Environmental Policy Act

NHTSA has analyzed this rulemaking action for purposes of the National Environmental Policy Act. The rulemaking action would not have a significant effect upon the environment as it does not affect the present method of manufacturing motor vehicle lighting equipment.

Civil Justice Reform

This rulemaking action would not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. Under 49 U.S.C. 30163, a procedure is set forth for judicial review of final rules establishing, amending, or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Paperwork Reduction Act

The reporting and recordkeeping requirement associated with part 564 have been approved by the Office and Management and Budget in accordance with 44 U.S.C. chapter 35. The OMB control number is 2127–0563.

List of Subjects in 49 CFR Parts 564 and 571

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, it is proposed that 49 CFR part 564 be amended as follows:

PART 564—REPLACEABLE LIGHT SOURCE INFORMATION

1. The authority citation for part 564 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, 30166; delegation of authority at 49 CFR 1.50.

2. Part 564 would be amended by revising paragraphs 564.1, 564.2, 564.5(a), (b), (c) and (d)(1), and Section IX of appendix A, and by adding new appendix B, to read as follows:

§ 564.1 Scope.

This part requires the submission of dimensional, electrical specification, and marking/designation information, as specified in Appendix A and Appendix B of this part, for original equipment replaceable light sources used in motor vehicle headlighting systems.

§ 564.2 Purposes.

The purposes of this part are achieved through its Appendices:

(a) The purpose of Appendix A of this part is to ensure the availability to replacement light source manufacturers of the manufacturing specifications of original equipment light sources and thus ensure that replacement light sources are interchangeable with original equipment light sources and provide equivalent performance.

(b) The purpose of Appendix B of this part is to ensure that original equipment light sources are replaceable and that replacement light source equipment provide equivalent performance, and that redesignated or newly developed light sources are designated as distinct and different and noninterchangeable with previously existing light sources.

§ 564.5 Information filing; agency processing of filings.

(a) Each manufacturer of a motor vehicle, original equipment headlamp, or original equipment headlamp replaceable light source, which intends to manufacture a replaceable light source as original equipment or to incorporate a replaceable light source in its headlamps or motor vehicles, shall furnish the information specified in appendix A or appendix B of this part to: Associate Administrator for Safety Performance Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW, Washington, DC 20590. Attn: *Replaceable Light Source Information* Docket No. 93–11 (unless the agency has already filed such information in Docket No. 93–11). If the rated average laboratory life of the light source is not less than 2,000 hours, the manufacturer may furnish the information specified in either Appendix A or Appendix B of this part.

(b) The manufacturer shall submit such information not later than 60 days before it intends to begin the manufacture of the replaceable light source to which the information applies, or to incorporate the light source into a headlamp or motor vehicle of its manufacture. Each submission shall consist of one original set of information and 10 legible reproduced copies, all on 8½ by 11-inch paper.

(c) The Associate Administrator promptly reviews each submission and informs the manufacturer not later than 30 days after its receipt whether the submission has been accepted. Upon acceptance, the Associate Administrator files the information in Docket No. 93–11. The Associate Administrator does not accept any submission that does not contain all the information specified in appendix A or appendix B of this part, or whose accompanying information indicates that any new light source which is the subject of a submission is interchangeable with any replaceable light source for which the agency has previously filed information in Docket No. 93–11.

(d) A manufacturer may request modification of a light source for which information has previously been filed in Docket No. 93–11, and the submission shall be processed in the manner provided by paragraph 564.5(c). A request for modification shall contain the following:

(1) All the information specified in appendix A or appendix B of this part that is relevant to the modification requested, * * *

* * * * *

Appendix A—Information To Be Submitted for Replaceable Light Sources

* * * * *

IX. All other information, dimensions or performance specifications necessary for interchangeability purposes not listed above. If a ballast is required for operation, a complete listing of the requirements and parameters between the light source and ballast, and ballast and the vehicle shall also be provided.

Appendix B—Information To Be Submitted for Long Life Replaceable Light Sources of Limited Definition

I. Bulb Base Interchangeability Dimensions and Tolerance.

A. Angular locations, diameters, key/keyway sizes, and any other interchangeability dimensions for indexing the bulb base in the bulb holder.

B. Diameter, width, depth, and surface finish of seal groove, surface, or other pertinent sealing features.

C. Diameter of the bulb base at the interface of the base and its perpendicular reference surface.

D. Dimensions of features related to retention of the bulb base in the bulb holder such as tabs, keys, keyways, surface, etc.

II. Bulb Holder Interchangeability Dimensions and Tolerances.

A. Mating angular locations, diameters, key/keyway sizes, any other interchangeability dimensions for indexing the bulb base in the bulb holder.

B. Mating diameter, width, depth, and surface, or other pertinent sealing features.

C. Mating diameter of the bulb holder at the interface of the bulb base aperture and its perpendicular reference surface.

D. Mating dimensions of features related to retention of the bulb base in the bulb holder such as tabs, keys, keyways, surface, etc.

III. Electrical Specifications for Each Light Source that Operates with a Ballast and Rated Life of the Light Source/Ballast Combination.

A. Maximum power (in watts).

B. Luminous Flux (in lumens)

C. Rated average laboratory life of the light source/ballast combination (not less than 2,000 hours).

IV. Applicable to light sources that operate with a source voltage other than 12.8 volts direct current, and when a proprietary ballast must be used with the light source.

A. Manufacturer's part number for the ballast.

B. Any other characteristics necessary for system operation.

V. Bulb Markings/Designation—ANSI Number, ECE Identifier, Manufacturer's Part Number, Individual or in Any Combination.

VI. All other identification, dimensions or performance specifications necessary for replaceability or systems operation not listed above.

In consideration of the foregoing, it is proposed that 49 CFR Part 571 be amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.108 would be amended by:

(a) Adding a definition in alphabetical order to section 54 and revising paragraph S7.7(i) to read as set forth below,

(b) Adding new paragraph S7.7(l) to read as set forth below, and

(c) Revising section S8 to read as set forth below:

§ 571.108 Motor Vehicle Safety Standard No. 108 Lamps, Reflective Devices, and Associated Equipment.

* * * * *

Filament means that part of the light source or light emitting element(s), such as a resistive element, the excited portion of a specific mixture of gases under pressure, or any part of other energy conversion sources, that generates radiant energy which can be seen.

* * * * *

S7.7 * * *

* * * * *

(i) A replaceable light source shall be seasoned before measurement of luminous flux as follows:

(1) For a light source with a resistive element type filament, the filament shall be seasoned before measurement of maximum power and luminous flux. Such measurement shall be made with the direct current test voltage regulated within one quarter of one percent. The test voltage shall be design voltage, 12.8v. The measurement of luminous flux shall be in accordance with the Illuminating Engineering Society of North America, LM–45; *IES Approved Method for Electrical and Photometric Measurements of General Service Incandescent Filament Lamps* (April 1980), shall be made with the black cap installed on Type HB1, Type HB2, Type HB4, and Type HB5, and on any other replaceable light source so designed, and shall be made with the electrical conductor and light source base shrouded with an opaque white colored cover, except for the portion normally located within the interior of the lamp housing. The measurement of luminous flux for the Types HB3 and HB4 shall be with the base covered with a white cover shown in Figures 19–l and 20–l. The white covers are used to eliminate the likelihood of incorrect lumen measurement that will occur should the reflectance of the light source base and electrical connector be low.

(2) For a light source using excited gas mixtures as a filament, measurement of maximum power and luminous flux shall be made following seasoning of the light source, including any ballast required for its operation, in accordance with section 4.0 of SAE J2009 FEB93. A test voltage of 12.8 volts DC shall be applied to the ballast input terminals. The measurement of luminous flux shall be in accordance with the Illuminating Engineering Society of North America, LM–45; *IES Approved Method for Electrical and Photometric Measurements of General Service Incandescent Filament Lamps* (April 1980), shall be made with the black cap installed if so designed, and shall be made with any electrical conductors and the light source base shrouded with an opaque white colored cover, except for the portion normally located within the interior of the lamp housing.

* * * * *

(l) If a ballast is required for operation, each ballast shall bear the following permanent markings:

(1) Name or logo of ballast manufacturer;

(2) Ballast part number or unique identification;

(3) Part number or other unique identification of the light source for which the ballast is designed;

(4) Rated average laboratory life of the light source/ballast combination, if the information for the light source has been filed in appendix B of part 564 of this chapter;

(5) A warning that ballast output voltage presents the potential for severe electrical shock that could lead to permanent injury or death;

(6) Ballast output power in watts and output voltage in rms volts AC or DC;

(7) The date of manufacture; and ,

(8) The symbol 'DOT'.''

* * * * *

S8 *Tests and Procedures for Integral Beam and Replaceable Bulb Headlighting Systems.* When tested in accordance with the following procedures, each integral beam headlamp shall meet the requirements

of paragraph S7.4, and each replaceable bulb headlamp shall meet the requirements of paragraph S7.5. Ballasts required to operate specific gas mixture light sources shall be included in the tests specified in paragraphs S8.1 and S8.4 though S8.7.

* * * * *

Issued on: June 13, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95–14847 Filed 6–16–95; 8:45 am]

BILLING CODE 4910–59–P

49 CFR Part 571

[Docket No. 95–42; Notice 1]

RIN 2127–AF67

Federal Motor Vehicle Safety Standards; Seat Belt Assemblies; Child Restraint Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to delete the colorfastness requirements for seat belt assemblies. The purpose of those requirements is to ensure that motorists are not discouraged from using safety belts out of a concern that the belts will transfer their coloring to motorists' clothing. NHTSA tentatively concludes that manufacturer concerns about public acceptance are sufficient by themselves to ensure that manufacturers will make their belts colorfast. Therefore, retention of the requirements is not necessary.

DATES: *Comment Dates:* Comments must be received by August 18, 1995.

Proposed Effective Date: If adopted, the proposed amendments would become effective 30 days following publication of the final rule.

ADDRESSES: Comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. (Docket Room hours are 9:30 a.m.–4 p.m., Monday through Friday.)

FOR FURTHER INFORMATION CONTACT: Mr. Clarke B. Harper, Office of Vehicle Safety Standards, NPS–12, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366–4916.

SUPPLEMENTARY INFORMATION: Pursuant to the March 4, 1995 directive, ''Regulatory Reinvention Initiative,'' from the President to the heads of departments and agencies, NHTSA has undertaken a review of all its regulations and directives. During the course of this review, the agency identified several requirements and regulations that are potential candidates for rescission, including the colorfastness requirements in Standard No. 209, ''Seat Belt Assemblies.''

Standard No. 209 includes colorfastness requirements out of concern that occupants would be less likely to wear their seat belt if the webbing stained their clothing. Paragraphs S4.2 (g) and (h) of the Standard require seat belt webbing to resist transferring color to a wet or dry crock cloth and to resist staining (the colorfastness requirements). Test procedures to determine that the colorfastness requirements are met are found in S5.1 (g) and (h) of the Standard.

NHTSA tentatively concludes that market forces would be sufficient, in the absence of the current requirements, to encourage seat belt manufacturers to use webbing that will not stain clothing. The agency is not aware of any basis for believing that rescission of the colorfastness requirements would lessen colorfastness or safety. Therefore, NHTSA is proposing to delete the colorfastness requirements from Standard No. 209. NHTSA is also proposing to delete references to these requirements in Standard No. 213, ''Child Restraint Systems.''

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, ''Regulatory Planning and Review.'' This action has been determined to be not ''significant'' under the Department of Transportation's regulatory policies and procedures. NHTSA believes that there would be no gain or loss of safety benefits from Standards Nos. 209 and 213 as a result of rescission of the colorfastness requirements. Manufacturers may have a very minor cost savings (approximately $50 per test) as they will no longer have to certify compliance with these requirements.

Regulatory Flexibility Act

NHTSA has also considered the impacts of this notice under the Regulatory Flexibility Act. I hereby certify that this proposed rule would not have a significant economic impact on a substantial number of small entities. As explained above, NHTSA does not anticipate that this proposal will significantly economically impact small manufacturers, or small entities that purchase safety belts or vehicles.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (P.L. 96–511), there are no requirements for information collection associated with this proposed rule.

National Environmental Policy Act

NHTSA has also analyzed this proposed rule under the National Environmental Policy Act and determined that it would not have a significant impact on the human environment.

Executive Order 12612 (Federalism)

NHTSA has analyzed this proposal in accordance with the principles and criteria contained in E.O. 12612, and has determined that this proposed rule would not have significant federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice Reform

This proposed rule would not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Submission of Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including